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# Report to Planning & Zoning Commission

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Clay County, Missouri

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**Case Number**                      **July 15-126 RZ/P**

**Case Type**                        **Rezoning & Preliminary Plat**

**Project Name**                    **Eckerberg Estates**

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Applicants/Owners              Aaron D. and Nicole D. Eckerberg  
9020 NE 123<sup>rd</sup> Street  
Liberty, MO 64068

Request                              **Rezoning** from Agricultural (AG) to Residential Rural (R-1)  
District with an Agricultural Land Preservation (ALP)  
Preservation Overlay District (POD) for ONLY Lot 2  
  
*AND*  
  
**Preliminary Plat** approval of Eckerberg Estates

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Application Submittal            2015-06-01

Public Notice Published        2015-06-18

Neighbor Letters Sent          2015-06-18

Report Date                        2015-06-30

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REPORT AUTHOR(S)              Debbie Viviano, Planner  
Matt Tapp, Manager

Recommendation                APPROVAL with condition



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## General Information

Site Location:	approximately 18710 Nation Road Section 4   Township 53   Range 31
Site Size:	39.86± Acres
Existing Landuse & Zoning:	Agricultural (AG)
Zoning/Platting History:	None
Surrounding Landuse & Zoning:	<ul style="list-style-type: none"><li>North – Agricultural (AG) &amp; Residential Rural (R-1) zoned land</li><li>East – Agricultural (AG) &amp; Residential Rural (R-1) zoned land, <u>Summerfield (R-1A), Country Gardens Amended (R-1)</u></li><li>South – <u>Northern Hills Estates (R-1)</u>, Agricultural (AG) &amp; Residential Rural (R-1) zoned land</li><li>West – <u>Northern Hills Estates II (R-1)</u>, Agricultural (AG) &amp; Residential Rural (R-1) zoned land</li></ul>

## Current Conditions:



Courtesy Clay County Assessor,  
GIS/Mapping



Courtesy Microsoft® Bing™



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## Assessment

Aaron and Nicole Eckerberg are requesting **Rezoning** approval from Agricultural (AG) district to Residential Rural (R-1) District with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) for ONLY Lot 2 of Eckerberg Estates, 39.86± acres located on the southwest corner of NE 188<sup>th</sup> Street and Nation Road and **Preliminary Plat** approval.

The Eckerbergs wish to split this parcel into two lots: Lot 1 has an existing farmhouse, detached garage, and pond (18710 Nation Road); Lot 2 has no existing structures and their desire is to sell this lot.

### 2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the **RURAL LOW DENSITY TIER**.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1<sup>st</sup>) table shows the land use tiers and corresponding guidelines, and the second (2<sup>nd</sup>) explains the exceptions to the 20-acre minimum lot size policy as directed by the Plan.

Table 4.2 - Land Use Planning Tiers - Presented on the Planning Tier Map			
	Natural Resources Tier <sup>+</sup> (Yellow)	Rural Low-Density Tier <sup>+</sup> (Green)	Urban Services Tier <sup>+</sup> (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density; low-density rural residential development: 1- dwelling unit per 20+ acres, or 1- farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. <sup>(3)</sup>
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

<sup>(3)</sup> On-site septic allowed for agricultural uses only.

\* The **Planning Tier Map** notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts /		phasing in of new regulations
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction.		Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
Other Exceptions	Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

\* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

\*\* A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

The subject request meets the spirit and jest of the 2008 Comprehensive Plan, as the applicant/owner is proposing an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) on at least 5+ acres for proposed Lot 2.

## **Character of the General Neighborhood**

Agricultural (AG) and Residential Rural (R-1) zoned property is each direction of the property. The Summerfield (R-1A) subdivision is to the east across Nation Road [see Attachment B].

## **LDC Considerations**

The rezoning application was properly noticed in the Kearney Courier on June 18, 2015. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter mailed on June 18, 2015. The petitioner should fully address the five (5) rezoning criteria in the Land Development Code (LDC) which requires the following standards be met with a rezoning application (*Section 151-3.3 F*):

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;
2. Whether or not the proposed amendment is consistent with the *Comprehensive Plan* and the stated purpose and intent of Sec. 151-1.7;
3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;
4. Whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development; and
5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, and natural resources.



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## **Outside Agency Review**

The Public Water Supply District No. 3 (PWSD #3) has indicated water is available for Eckerberg Estates. "There is one water main North of property line and two water mains East of property line."

The Clay County Highway Department has noted Eckerberg Estates meets the specifications for the Manual on Uniform Traffic Control Devices (MUTCD) requirements and Clay County Highway Department standards for driveway requirements. The road surface of NE 188<sup>th</sup> Street and NE 186<sup>th</sup> Street is a chip and seal surfacing and Nation Road is asphalt.

The Clay County Health Department has given preliminary and final approval. The Kearney/Holt Fire Department serves this property.

The pond structure on Lot 1 was inspected by the Natural Resources Conservation Service (NRCS). The following was found: "Although the old pond has not been maintained (tree growth), a breach should not present a downstream or property concern; especially with approximately 0.16 acre feet of storage."

## **Findings**

Road Impact Fees (RIF) are required for the proposed additional lot. The estimated total amount of RIF is \$1,546.88 and is subject to change at the time of payment based on the market price of material.

## **Recommendations**

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) district to Residential Rural (R-1) with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) for ONLY Lot 2 be **approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Preliminary Plat** of Eckerberg Estates be **approved**, with the following condition as shown on Exhibit A:

### **Exhibit A**

1. Road Impact Fees (RIF) agreement recorded and fees paid at same time as the recording of the Final Plat.



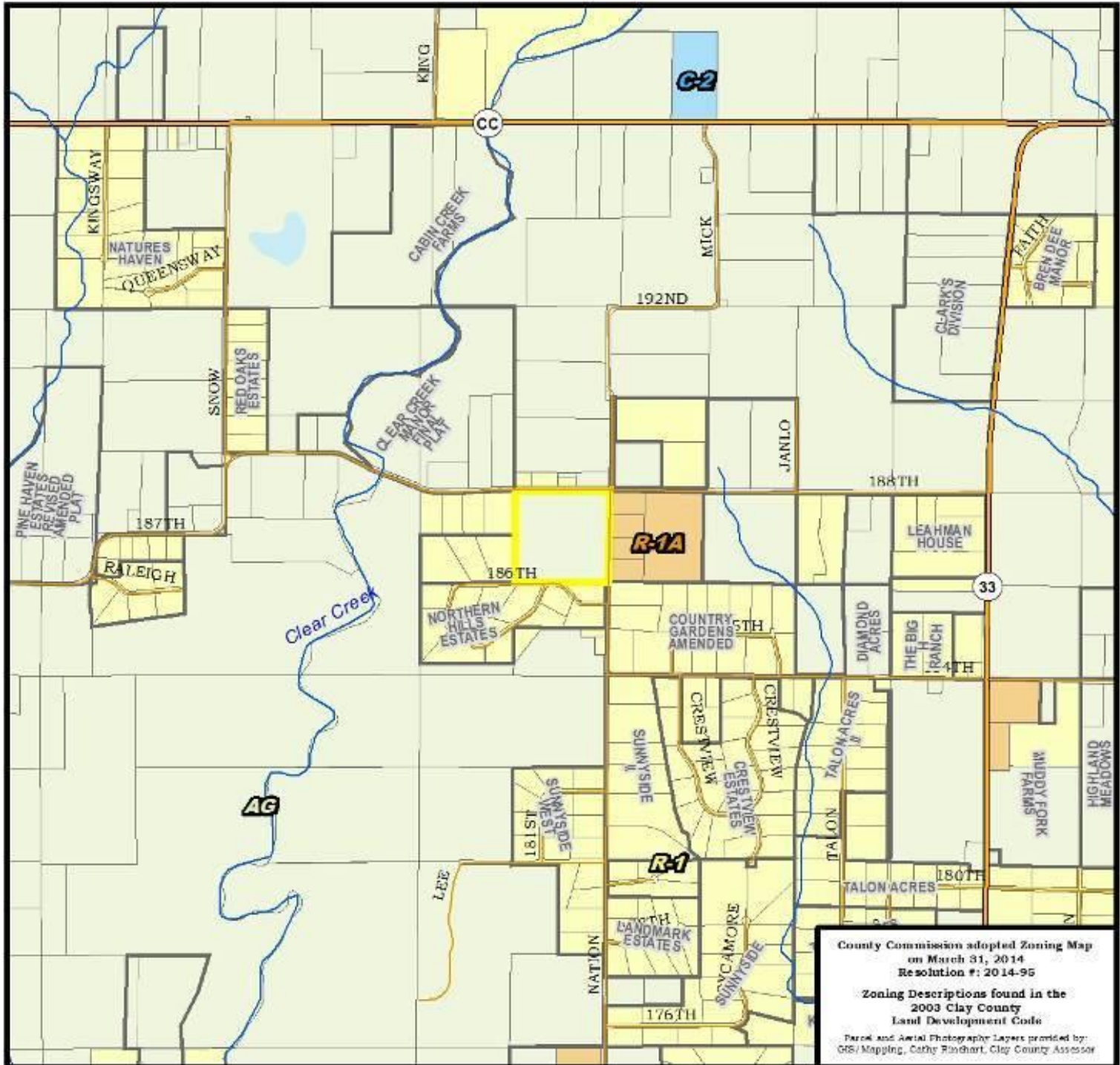
## Attachments

## Attachment A – Vicinity Map



# July 15-126RZ/P – Eckerberg Estates

## Attachment B - Existing Conditions Map



### Planning & Zoning Department



1 inch = 2,000 feet  
1 inch = 0.38 miles

### LEGEND

- Property Line
- ~ Streams (EPA)
- Railroads
- Roads
  - Interstates
  - State / Highways
  - Local Roads
  - Highway Ramps
- Subdivisions
- City Limits
- Parks
- County Boundaries

### Overlay Districts

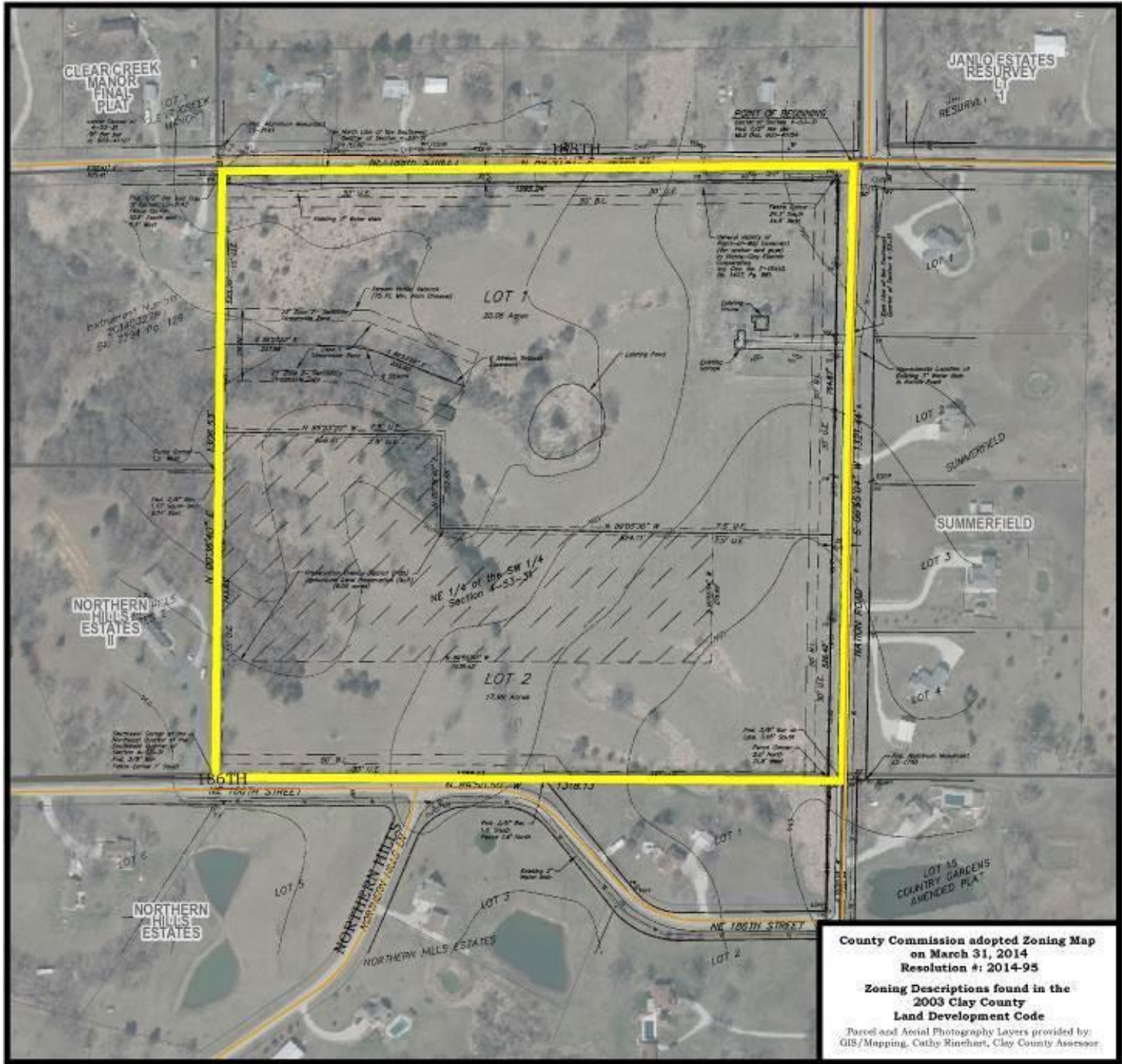
- CD (Conservation District)
- POD (Preservation Overlay District)
- PUD (Planned Unit Development)

### Zoning Districts

- AG
- R-1
- R-1A/R-5
- R-1B/RU
- R-3
- C-1
- C-2
- C-3
- I-1
- I-2
- OP

# July 15-126RZ/P – Eckerberg Estates

## Attachment C - Site Plan Map



Map Document: (G:\GIS\Project\_Files\Vacinity Map - 8 x 11 P.mxd)  
05/22/2015 - 04:16:18PM

Planning & Zoning Department

1 inch = 300 feet  
1 inch = 0.06 miles

### LEGEND

- Property Line
- ~ Streams (EPA)
- ~ Railroads
- ~ Roads
  - ~ Interstates
  - ~ State Highways
  - ~ Local Roads
  - ~ Highway Ramps
- Subdivisions
- City Limits
- Parks
- County Boundaries